

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PRUDENTIAL INSURANCE )  
COMPANY OF AMERICA SGLI/VGLI ) C.A. No. 11-md-02208-MAP  
CONTRACT LITIGATION )  
)

MEMORANDUM AND ORDER REGARDING  
DEFENDANT'S MOTION TO COMPEL  
(Dkt. No. 45)

January 23, 2012

PONSOR, U.S.D.J.

Defendant has moved to compel responses to requests for production numbered 1, 2, 5, 10, 14, and 21. Defendant also seeks further answers to interrogatories numbered 9 and 10. The court heard argument on the motion on January 10, 2012. Based on counsel's representations, the court orders as follows:

Document Request No. 1

The motion to compel with regard to this request will be allowed, in part. Plaintiffs are ordered to convey to Defendant, within thirty days of this memorandum, copies of any statements from any bank, brokerage, investment, or other financial account with checking or draft privileges during the defined Account Period, in which the balance in the account at any time during the Account Period exceeded \$5,000.00. In all other respects, the motion to compel as

to this request will be denied.

Document Request No. 2

Given the documents Plaintiffs will produce in response to Document Request No. 1, the motion to compel further responses to Document Request No. 2 will be denied.

Document Request No. 5

The motion to compel with regard to this request will be allowed, in part, as follows. Plaintiffs are ordered to convey to Defendant, within thirty days of this memorandum, any documents that they received and that are still in their physical possession from the Veterans Administration, any other government agency or entity, or Defendant concerning financial counseling. The response to this request will be limited to documents currently in Plaintiffs' physical possession that were received during the defined Account Period.

Document Request No. 10

Given the documents Plaintiffs will produce in response to Document Request No. 5, the motion to compel with regard to Document Request No. 10 will be denied.

Document Request No. 14

The motion to compel with regard to this request will be denied. The documents and information Defendant receives through responses to other requests and responses to

interrogatories will allow Defendant a fair opportunity to question Plaintiffs about the substance of this request. Beyond this, the request is too hypothetical and burdensome.

Document Request No. 21

The motion to compel with regard to this request will be denied. Defendant will have the 1099 forms documenting interest earned by Plaintiffs on their Alliance Accounts. The issue of whether this interest was reported on tax returns may be pursued during depositions without the necessity of Plaintiffs producing tax returns containing this one detail.

Interrogatory No. 9

The motion to compel with regard to this interrogatory will be allowed, but with the one limitation that Plaintiffs will be required to disclose only accounts containing a balance at any time during the Account Period of more than \$5,000.00.

Interrogatory No. 10

The motion to compel with regard to this interrogatory will be allowed.

In summary, the motion to compel as to Request No. 1 is ALLOWED in part and DENIED in part; as to Request No. 2 is DENIED; as to Request No. 5 is ALLOWED in part; as to

Request No. 10 is DENIED; as to Request No. 14 is DENIED; and as to Request No. 21 is DENIED. The motion to compel as to Interrogatory Nos. 9 and 10 is ALLOWED.

This information will be conveyed to Defendant within thirty days of the date of this order. A scheduling order will issue today establishing a timetable for depositions of Plaintiffs, briefing on Plaintiffs' pending Motion for Class Certification, and argument.

It is So Ordered.

/s/ Michael A. Ponsor  
MICHAEL A. PONSOR  
U. S. District Judge